

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SQUARE, INC. and)	
JAMES MCKELVEY, JR.,)	
)	
Plaintiffs,)	
)	Civil Action No.: 4:10-cv-2243-SNLJ
vs.)	
)	<u>JURY TRIAL DEMANDED</u>
REM HOLDINGS 3, LLC,)	
)	
Defendant.)	

ROBERT E. MORLEY, JR. and)	
REM HOLDINGS 3, LLC,)	
)	
Plaintiffs,)	
)	Civil Action No.: 4:14-cv-0172-SNLJ
vs.)	
)	<u>JURY TRIAL DEMANDED</u>
SQUARE INC., JACK DORSEY,)	<u>(CONSOLIDATED)</u>
and JAMES MCKELVEY, JR.,)	
)	
Defendants.)	

**NON-PARTY DAVID CHERVITZ’ RESPONSE IN OPPOSITION TO DEFENDANTS’
MOTION TO COMPEL**

For his response in opposition to Defendants’ Motion to Compel [Doc. 192], Non-Party, David Chervitz (“Chervitz”) hereby adopts and joins in Plaintiffs’ Memorandum in Response to Defendants’ Omnibus Motion to Compel and Cross-Motion for Protective Order. For the reasons stated therein, Chervitz urges the Court to deny Defendants’ Motion to Compel as it relates to Chervitz.

Chervitz further urges the Court to enter an order quashing the Subpoena Duces Tecum served on Chervitz (the “Subpoena”) pursuant to Fed. R. Civ. Proc. 45(c)(3)(A)(iii) and for failing to adhere to Fed. R. Civ. Proc. 45(c)(1). A copy of the Subpoena is attached hereto as Exhibit 1. A copy of Chervitz’ timely written objections to the Subpoena is attached hereto as Exhibit 2.

DANNA MCKITRICK, P.C.

BY: /s/ Richard F. Huck, III
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DAVID CHERVITZ

CERTIFICATE OF SERVICE

The undersigned certifies that on this 18th day of September, 2015, that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court’s electronic filing system to all parties of record.

/s/ Richard F. Huck, III